IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

COMPANY APPLICATION NO.1131 OF 2006
IN
COMPANY PETITION NO.725 OF 2005

Metalight Productions Pvt. Ltd. ..Applicant.
Vs.
Foto Industries ..Respondent.

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Mr. H.N. Thakore i/b Thakore Jariwala & Associates for the Applicant.

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CORAM: **DR. D.Y. CHANDRACHUD, J.**

13th April, 2007.

P.C. :

1. Company Petition 725 of 2005 against the Applicant for winding up was admitted on 4th May, 2006. The Company Application has been instituted for recalling the order of admission. In the affidavit in support of the Company Application it has been stated that the Petition which was served on the Applicant contained the registration No. as Company Petition 727 of 2005. A relevant part of the Company Petition which was served on the Applicant is annexed

at Exh. A-1. It appears that thereafter the Applicant had served on the Original Petitioner through his advocate a letter dated 8th January, 2007 seeking inspection. In paragraph 6 it has been stated that even the Vakalatnama could not be taken on file as the petition number mentioned in the copy of the petition served on the Applicant was incorrect. In fact it would appear that Company Petition 725 of 2005 against the Applicant was admitted on 4th May, 2006 while Company Petition 727 of 2005 was dismissed on 8th June, 2006.

2. The Respondent – the Original Petitioner has been served with the Company Application. Sufficient cause has been shown for recalling the order dated 4th May, 2006 and for placing the Petition on Board for admission. The Company Application is accordingly made absolute in terms of prayer clause (a).

3. The Applicant would be at liberty to file its reply to the Company Petition within a period of three weeks, rejoinder, if any to be filed within a period of one week thereafter. The Company Petition shall be listed for admission on 6th June, 2007.